

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREAT BASIN RESOURCE WATCH; and
WESTERN SHOSHONE DEFENSE
PROJECT,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; U.S. BUREAU OF LAND
MANAGEMENT; LAURA DANIEL
DAVIS, Acting Assistant Secretary¹; and
JON D. SHERVE, Field Manager of the
BLM's Mount Lewis Field Office,

Defendants,

EUREKA MOLY, LLC,

Defendant-Intervenor.

Case No. 3:19-cv-00661-LRH-CSD

**ORDER GRANTING UNOPPOSED
MOTION FOR EXTENSION OF THE
DEADLINE TO RESPOND TO ECF
NO. 78**

Federal Defendants request a seven-day extension of Federal Defendants and Defendant-Intervenor's deadline to respond to Plaintiffs' filing of ECF No. 78 (Plaintiff's Notice of

¹ Public officer substituted pursuant to FRAP 43.

1 Controlling and Supplemental Authority of the Ninth Circuit’s Ruling on the Mining Law and
2 Surface Resources Act, hereinafter the “Notice”). This motion is unopposed and Defendant-
3 Intervenor support the motion.

4 On June 10, 2022, after the completion of scheduled briefing on the parties’ cross-motions
5 for summary judgment, Plaintiffs filed their Notice informing the Court of the May 12, 2022,
6 decision in *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 33 F.4th 1202 (9th
7 Cir. 2022). Defendant-Intervenor moved to strike the Notice or, in the alternative, requested leave
8 to respond. ECF No. 79. On June 21, 2022, this Court granted leave to Federal Defendants and
9 Defendant-Intervenor to file a combined response not to exceed fifteen pages within thirty days of
10 the Order. ECF No. 80. Federal Defendants then moved to extend the response deadline until after
11 the July 27, 2022 deadline to file a petition for rehearing of *Center for Biological Diversity* in the
12 Ninth Circuit and requested the Court allow separate responses for Federal Defendants and
13 Defendant-Intervenor. ECF No. 81. The Court granted Federal Defendants’ motion and set the
14 deadline for responses for August 5, 2022. ECF No. 82.

15 On July 27, 2022, the Defendant-Intervenor in *Center for Biological Diversity*, petitioned
16 for a rehearing *en banc*; the United States, however, did not seek review of the Ninth Circuit’s
17 decision. Because of this current posture in *Center for Biological Diversity*, Federal Defendants
18 have good cause to seek this extension to allow for further review of its response and therefore
19 request a seven-day extension—until August 12, 2022—to respond to Plaintiffs’ notice of
20 supplemental authority.

21 IT IS SO ORDERED.

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27 LARRY R. HICKS
28 United States District Judge
Dated: August 5, 2022